



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141

WASHINGTON, MONDAY, DECEMBER 11, 1995

No. 196

Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You have all authority in heaven and on Earth. You are Sovereign Lord of our lives and our Nation. We submit to Your authority. We seek to serve You together here in this Senate Chamber and in the offices that work to help make our deliberations run smoothly. We commit to You all that we do and say this day. Make it a productive day. Give us positive attitudes that exude hope. In each difficult impasse, help us seek Your guidance. Draw us closer to You in whose presence we rediscover that, in spite of differences in particulars, we are here to serve You and our beloved Nation together. In our Lord's name. Amen.

The PRESIDENT pro tempore. The distinguished Senator from Arizona is recognized.

SCHEDULE

Mr. KYL. Mr. President, on behalf of the leader I would like to make the following announcement: Today there will be a period for morning business until the hour of 1 p.m. At 1 p.m., the Senate will resume consideration of Senate Joint Resolution 31, the constitutional amendment regarding the desecration of the U.S. flag.

Under the provisions of the consent agreement reached on Friday, amendments will be offered and debated today, however no rollcall votes will occur during today's session. Any votes ordered on the amendments will be stacked to begin at 2:15, Tuesday afternoon.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. KYL). The distinguished Senator from Nevada is recognized.

THE CHEMICAL WEAPONS CONVENTION

Mr. REID. Mr. President, I rise today to speak about an issue that is important to the security of this Nation and certainly to the world community, and that is the proliferation of chemical weapons.

The widespread use of chemical weapons in world war provided the world with its first glimpse of these agents' destructive powers. I am certain many of us here in the Senate have known someone who served in the First World War who returned to the United States bearing permanent scars of his exposure to terrible chemicals such as phosgene and mustard gas. If we do not know someone, we have heard of people who were debilitated as a result of these agents.

I was with Vice President GORE recently when he talked about his uncle, his father's brother, who returned from the First World War injured as a result of chemical weapons. The Vice President indicated how his uncle coughed and suffered from this condition until he died.

Thousands of American veterans suffered for years from illnesses, like the Vice President's uncle, because they were exposed to gas. Thousands more never came home, having died as a result of this. Mr. President, 80 percent of the gas fatalities in World War I were caused by phosgene. This sub-

stance damages the lungs, causing a deadly accumulation of fluid quickly and it leads to death. Those who do not die from this gas may cough and cough for the rest of their lives.

There were stories in the First World War of people who suffered, but one of the most famous poems of that conflict was written about poisonous gas, entitled "Dulce Et Decorum Est." I will not read it all, but I will read enough to get the point across.

This poem starts by describing marches and worried soldiers. The poet begins the second paragraph by saying:

Gas! Gas! Quick, boys!—An ecstasy of fumbling,
Fitting the clumsy helmets just in time;
But someone still was yelling out and stumbling
And flound'ring like a man in fire or lime . . .
Dim, through the misty panes and thick green light,
As under a green sea, I saw him drowning.
In all my dreams, before my helpless sight,
He plunges at me, guttering, choking, drowning.
If in some smothering dreams you too could pace
Behind the wagon that we flung him in,
And watch the white eyes writhing in his face,
His hanging face, like a devil's sick of sin;
If you could hear, at every jolt, the blood
Come gargling from the froth-corrupted lungs,
Obscene as cancer, bitter as the cud
Of vile, incurable sores on innocent tongues, . . .

Mr. President, that describes quite well what poisonous gas does to a human being. But it did not end in World War I. Iran and Iraq have poisonous gas. In the 1980's, Iraq used poisonous gas weapons against its enemy Iran in the Iran-Iraq war, and launched a campaign of terror with chemical weapons against its own population, the Kurds, in their own country.

In the words of a Kurdish refugee who survived the bombing of his village by an Iraqi aircraft, he said:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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The planes dropped bombs. They did not produce a big noise. A yellowish cloud was created and there was a smell of rotten parsley or onions. There were no wounds. People would breathe the smoke, then fall down, and blood would come from their mouths.

According to a 1988 Foreign Relations Committee report on the Iraqi chemical weapons attacks:

Those who were very close to the bombs died instantly. Those who did not die instantly found it difficult to breathe and began to vomit. The gas stung the eyes, skin, and lungs of the villagers exposed to it. Many suffered temporary blindness. After the bombs exploded, many villagers ran and submerged themselves in nearby streams to escape the spreading gas. Many of those who made it to the streams survived. Those who could not run from the growing smell, mostly the very old and the very young, died.

Since the end of the Persian Gulf war, international inspectors have destroyed over 100,000 gallons of chemical weapons, and over 500,000 gallons of precursor chemicals used to produce chemical weapons from Iraqi stockpiles. That is 10,000 50-gallon drums.

While the use of chemical weapons during wartime is both horrifying and tragic, even more terrible is the prospect of these weapons being used by terrorists to further their aims.

The deadly gas attacks that occurred in the Tokyo subways in March are a chilling indicator of the potential terrorist threat chemical weapons represent. The nerve gas, sarin, was used by the terrorists in the Tokyo incident and it was a relatively low-grade composition of the gas. If the terrorists had access to a more concentrated form of the gas, their attack could have killed thousands of innocent commuters. We can only imagine the terrible consequences of an attack such as that occurring in a U.S. city.

The potential security threat to the United States and its citizens from the use of chemical weapons has been a serious concern to both the current administration and its predecessors. Negotiations on the terms of a chemical weapons treaty began during the Reagan administration, and President Bush signed the Chemical Weapons Convention, also called the CWC, in 1993.

The Clinton administration continued American support for the treaty, and on November 23, 1993, President Clinton submitted the convention to the Senate for ratification. Nevertheless, although the United States was a primary architect of the convention and has signed it along with 159 other nations, the United States is not yet a member of the convention because the Senate has failed to act to ratify it. The convention must be ratified by 65 nations to come into force. To date, only 42 nations have ratified it.

An overwhelming majority of the Senate supports ratification of this important treaty, but the Senate has been prevented from debating and voting on ratification by the Foreign Relations Committee's failure to act on it.

I believe the Foreign Relations Committee's failure to act on this impor-

tant arms control measure this year is a serious mistake.

The Chemical Weapons Convention is unique among weapons treaties in that it will, when ratified, eliminate an entire class of weapons.

The convention bans the development, production, stockpiling, and use of chemical weapons by its signatories. It requires the destruction of all chemical weapons and production facilities.

Under the terms of the convention, the Russians would be required to destroy an estimated 40,000 metric tons of chemical weapons, including 32,000 metric tons of nerve agents.

The convention also provides the most extensive and intrusive verification regime of any arms control treaty, for it permits the inspection of both military and commercial chemical facilities. This is an important safeguard against commercial facilities being used for military production of chemical agents, as was the case in Iraq.

To help prevent incidents such as the Tokyo nerve gas attack, the convention requires its members to enact laws criminalizing civilian violations of its terms. Under the convention, member countries would have to pass national level legislation criminalizing the manufacture and possession of chemicals by private groups such as the religious sect that initiated the subway attack in Japan.

I understand the chairman of the Foreign Relations Committee has serious concerns about the verifiability and enforceability of the convention's terms. But I believe the proper way to address these concerns would be to allow the treaty to be fully debated in committee and on the Senate floor.

If there are concerns about other nations' compliance with the treaty, the answer is not for the United States to abandon it. As a member of the convention, the United States will be better able to monitor compliance.

In 1990, the United States and the Soviet Union signed a bilateral destruction agreement calling for each side to destroy its chemical stockpiles to a maximum level of 5,000 tons. The United States has been destroying its chemicals in accordance with the agreement, but Russia has not.

If the convention comes into force, with both the United States and Russia as members, Russia would be legally bound to destroy its stockpile completely and accept challenge inspections of both private and military chemical facilities.

If the United States suspected Russia of violating the terms of the treaty, it could demand a challenge inspection. Within days, international inspectors could be at the door of suspected facilities to check for violations because all signatories of the convention are required to permit inspections of both known and undeclared chemical production facilities with little or no warning.

Of course, nations must become members of the convention to become

subject to its requirements. The CWC is the first treaty that penalizes countries that do not join and rewards those that do.

Once the convention comes into force, member countries will be prohibited from exporting certain treaty-controlled chemicals to nonmember states. Because businesses that produce goods such as pharmaceuticals and fertilizers need these chemicals for production, there would be enormous pressure on nonmember governments to join to give their industries access to these chemicals.

Unfortunately, the convention is not likely to ever come into force without American leadership. The U.S. commitment to chemical weapons disarmament, as evidenced by our Nation's prominent role in drafting the convention, was fundamental to creating the spirit of cooperation that led to the treaty being signed by so many countries.

The U.S. failure to ratify the treaty calls into question our commitment to its goals and threatens to fracture international support for the treaty. If the United States, which holds some of the world's largest stockpiles of chemical weapons, does not ratify the treaty, other nations will find little motivation to do so.

The United States can no longer afford to delay giving its support to implementation of the Chemical Weapons Convention.

The United States is already bound by law to destroy its chemical weapons stockpile by 2004. The Convention would require all other member nations to do the same.

Any state that refuses to join the treaty will be isolated and its access to precursor chemicals will be limited. And we have explained why that is important to the pharmaceutical development of, and the simple construction of, fertilizers.

Universal compliance cannot be achieved immediately, but there is no doubt that the convention will slow and reverse the current pace of chemical weapons proliferation.

And while the CWC cannot prevent every potential threat of terrorist chemical attack, it can greatly reduce the threat by halting and reversing the proliferation of chemical weapons. If we eliminate chemical stockpiles, we eliminate potential terrorist Weapons.

In addition, we greatly diminish the threat of chemical weapons to U.S. troops in future military operations.

The Senate must not shy away from taking this important step toward the elimination of all chemical weapons. We should act now to create a more secure present for the country and a more secure future for generations to come.

This is not a partisan issue. In July, 1994, former President Bush wrote to Senator LUGAR to express his support for the convention. He stated.

This convention clearly serves the best interests of the United States in a world in

which the proliferation and use of chemical weapons is a real and growing threat. United States leadership played a critical role in the successful conclusion of the Chemical Weapons Convention. United States leadership is required once again to bring this historic agreement into force. I urge the Senate to demonstrate the U.S. commitment to abolishing chemical weapons by promptly giving its advice and consent to ratification.

And, in a bipartisan show of support for the treaty, the Senate passed by voice vote a sense-of-the-Senate resolution calling for rapid action on the convention earlier this year.

Mr. President, When I started my statement today, I recalled the horrors and widespread use of chemical weapons in World War I. They were real. They affected people. They killed people. They injured, and they damaged people. In response to those horrors the world community developed the Geneva Protocol, which banned the use of chemical weapons.

However, although the Geneva Protocol was passed in 1925, the U.S. Senate did not recommend its ratification until 1975. We must not let 50 years pass before we act on the Chemical Weapons Convention.

Mr. President, I extend my appreciation to Senator BINGAMAN for bringing to the attention of the Senate last week the matters that were held up in the Foreign Relations Committee.

I also extend my appreciation to the majority leader for working to bring these matters to the Senate floor.

One of the things that was part of that agreement was that this treaty would be reported to the Senate floor no later than April 22. That is good.

I urge the chairman of the committee, however, to schedule action on this convention as soon as possible so that the Senate can vote on this quickly and do it without regard to partisanship. It is important that we bring this matter to the floor of the U.S. Senate. Chemical weapons are a scourge, and they should be eliminated.

I appreciate the patience of the Chair and other Members of the Senate for extending me an additional 5 minutes.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask to speak in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, reserving the right to object—and certainly not on this issue—but I come to the floor to speak. I would prefer if you could allow this Senator 10, and then go back to the issue, if you would not mind. Is their objection to that?

Mrs. FEINSTEIN. Thank you.

The PRESIDING OFFICER. The Senator from California is recognized for 10 minutes.

Mrs. FEINSTEIN. I thank the Chair.

BAN ON MILITARY-STYLE WEAPONS

Mrs. FEINSTEIN. Mr. President, it would appear that the leadership of the other House is threatening to repeal the ban on military-style assault weapons. They promised to hold a vote before the end of the year.

According to information from the Speaker's staff, he is apparently hoping to sneak the repeal through the House of Representatives in the rush to finish business before the Christmas holiday. Although this may work in the House, it will not work in the Senate.

I wrote this legislation. It was incorporated into the 1994 crime bill. It was passed by both the House and the Senate after substantive and prolonged debate. It has been in place for just 14 months. It passed with bipartisan support. It is my commitment, if this comes to the floor of the Senate, to wage the mother of all filibusters, to keep the Senate in session throughout the holiday break, if necessary, if the attempts to repeal this legislation move forward.

This legislation specifically protects legitimate weapons used for hunting and recreational purposes. Congress can either side with the citizens of this country who are overwhelming in number who want assault weapons off their streets or they can side with the National Rifle Association whose selfish "I want it my way" persists no matter what. The choice should be clear to all of us.

For the purpose of those who are new to the Congress and for those who may have forgotten some of the facts brought out in the debate in the last session, allow me to summarize why this legislation is so important.

First, removing military-style semiautomatic assault weapons has the widespread support of our citizens. A Los Angeles Times national poll conducted between October 27 and October 30 of this year showed that 72 percent of the American people support maintaining the ban on assault weapons. There is bipartisan support for this legislation. Presidents Reagan, Carter, Ford, and Clinton endorsed this legislation during its debate in 1993. Republican and Democratic elected officials from around the country endorsed it, including Republican mayors Rudolph Giuliani of New York and Richard Riordan of Los Angeles. Every major law enforcement group in this Nation, groups of both rank and file and law enforcement management, oppose the repeal. And groups representing 90 million Americans have endorsed the ban on assault weapons. These include physicians who have seen what assault weapons do to human flesh, educators who live daily with the militarization of our schools, clergy who counsel the victims, victims who have seen their loved ones torn apart, trauma physicians whose emergency rooms look like military hospitals, and a strong majority of the American people who say "enough is enough" in this gun-happy country.

My home State of California knows all too well the tragedy of assault weapons. There are incidents that really led to my resolve to make this the main priority of my legislative agenda in 1993, and I want to go through them.

In 1984, in California, a man by the name of James Huberty walked into a McDonald's in San Ysidro with an Uzi. He killed 21 people including 5 children; 19 were wounded.

In 1989, an unstable drifter, with a weapon modeled after an AK 47, walked into a Stockton schoolyard and, for no reason, fired 106 rounds. Five children were killed, 29 were injured.

Then on July 1, 1993—and this did it for me—a lone gunman carrying two Intratec TEC DC-9 semiautomatic weapons, a pistol and 500 rounds of 9 millimeter ammunition walked into the Pettit & Martin law firm on the 33d floor of 101 California Street, a Heinz-designed high rise in the middle of downtown San Francisco. He opened fire. Eight people died, six were wounded.

This is the specific action which galvanized it for me. I think the American people need to know a little bit more about it and how this happens.

These were the weapons he carried. These are the 50-round clips, the 30-round clips he carried, and so on.

This is the gentleman—this is Gian Luigi Ferri. He did not buy these weapons in California because California had a law. He went across the border to Nevada and bought them. He died on the stairwell of this building. He was only stopped when he was trapped in the stairwell between floors after an employee pulled the fire alarm and that locked all the doors so he could not escape.

This is what Pettit & Martin looked like. These are the shattered windows of the office, the bullet holes through the windows—indiscriminate shooting. And then we get to the victims. These are a few of the people who died that day. Specifically, Jody Jones-Sposado, 30 years old. She was the first victim killed by Ferri. She worked part time at a Lafayette, CA, company which organizes corporate conferences. She was just visiting 101 California Street on July 1 to file a deposition. She was shot five times. She left a husband, Steve Sposado and a 9-month-old child at the time by the name of Meghan. Both Steve and Meghan came back numerous times to testify on behalf of this legislation.

This is a young attorney, Jack Ber- man, 35 years old. He was representing Judy Sposado, who lies next to him in the photo, when he was killed by Ferri. He was a young labor lawyer. He was preparing for his first trial. He was about to celebrate his third wedding anniversary with his wife Carol just 1 month later. The two have a baby boy.

This below is Mike Merrill, whose wife and children I have had the pleasure of meeting. Mike was a vice president of the Trust Co. of the West. He was shot through the glass of his window as he sat at his desk. You can see